

REMARKS

Claims 1-16, 18-22, 25-40, 42, 45, 68, 70-72 and 74-77 are pending.

The Office Action objects to the specification and rejects all the pending claims under 35 U.S.C. §112, rejects claims 1-16, 18-22, 26-40, 42, 68, 71-72 and 75-77 under 35 U.S.C §103 over Sammon (U.S. Pat. 6,012,051) in view of Jacobs (U.S. Pat. 5,768,142) and further in view of Walker (U.S. Pat. 6,397,193), rejects claims 25, 45, 70 and 74 under 35 U.S.C. §103 over Sammon in view of Jacobs, Walker, and Official Notice, rejects claims 8 and 32 under 35 U.S.C. §103 over Sammon in view of Jacobs and Kimura (US Pat. 5,521,364) and rejects claims 12, 15, 16, 36, 39 and 40 under 35 USC 103 over Sammon in view of Jacobs, Walker and Ulwick (US Pat. 6,085,165). These rejections are respectfully traversed.

§112 Rejections

The Office Action objects to the specification and rejects all the pending claims under §112, first paragraph, because the disclosure allegedly fails to provide support for the recited feature of “optimization parameters including information not provided by the customer.” However, the specification provides several examples of such optimization parameters. For example, utility functions, constants, support statistics and other optimization equations, constants and sample may be stored in an optimization database and/or used to rank options. *See, e.g.*, p. 13, lines 10-20; p. 26. line 3 – p. 27, line 14. Upon reading the description, one of skill in the art would understand that the optimization parameters can include information not provided by the customer. As a specific example, one of skill in the art would understand that the customer probably would not be expected to provide a utility function. The specification and claims would reasonably convey to one of skill in the art that the inventor had possession of the claimed subject matter at the time the invention was made, and thus comply with the written description requirement. Withdrawal of the rejections is respectfully requested.

§103 Rejections

The Office Action admits that Sammon does not disclose, among other features, selecting objects in other commodity categories that are linked to the option selected in step (b)(i), and asserts that this feature is disclosed in Walker, referring to column 8, lines 15-65. However, Walker merely describes creating a package for *every combination* of component products based on a set of rules. See col. 8:20-24 and 43-47. There is no suggestion that the component products are in any way linked. Although Walker identifies “complementary product categories” in Fig. 6 (emphasis added), Walker does not teach or suggest selecting options in other commodity categories that are linked to a *highest ranked option* for a commodity category. In fact, Walker does not describe ranking options in a commodity category at all, let alone a highest ranked option for a commodity category. Thus it is impossible for any of the product categories in Walker to be linked to a highest ranked option for a commodity category. The other references do not solve these deficiencies.

For at least the reasons given above, claims 1 and 26, and all claims depending therefrom, are allowable over the cited art. Withdrawal of the rejections and reconsideration of the claims is respectfully requested.

Regarding claims 25 and 45, the Office Action takes Official Notice that presenting the combinations of commodity options to the customer whereby the customer selects a portion of a combination of commodity options for purchase is old and well known in the art. Applicants respectfully request that a reference supporting this Official Notice be provided with the next Office Action. The example provided in the Office Action does not fully support the Official Notice, since presenting a series of peripheral items from which a customer may select is not the same as presenting *combinations* of commodity options to the customer whereby the customer selects a *portion* of a *combination* of commodity options. Furthermore, the combinations of commodity options are not arbitrary combinations as suggested by the Office Action example; rather, they are created as recited in the independent claims (e.g., part (b) of claim 1).

Based on the above remarks, Applicants believe the claims are in condition for allowance. The Commissioner is authorized to charge any fees or credit any overpayment to the deposit account of Kenyon & Kenyon LLP, Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

Respectfully submitted,

Date: April 24, 2007

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